

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

GREGORY PHIPPS and)	
BRIAN MENSING, individually and)	
on behalf of all others similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	No.: 3:17-CV-97-TAV-HBG
)	
CHARIOTS OF HIRE, INC., and)	
JOHN MARK PARSONS,)	
)	
Defendants.)	

ORDER

This civil matter is before the Court on the Report and Recommendation (the “R&R”) entered by United States Magistrate Judge H. Bruce Guyton on August 29, 2017 [Doc. 25]. In the R&R, Magistrate Judge Guyton recommends that the Court grant in part and deny in part plaintiffs’ Expedited Motion for Conditional Class Certification and Court-Authorized Notice [Doc. 3]. Specifically, Magistrate Judge Guyton recommends that the parties’ agreement on conditional certification and the notice form, as reflected in defendants’ response to plaintiffs’ motion [Doc. 18 pp. 2–3], be adopted. The R&R also recommends that this agreement be amended to require that defendants provide the e-mail addresses of potential opt-in class members, that the agreed-upon notice and consent forms be sent to potential opt-in class members by first-class mail and email, and that the notice emails blind-copy defense counsel and use PDF forms. Finally, Magistrate Judge Guyton

does not recommend that the Court order posting notice at defendants' place of business, enclosure of notice in employee paychecks, or reminder notices.

Defendants have filed a notice of no objections to the R&R [Doc. 26]. Plaintiffs have not filed any objections to the R&R, and enough time has now passed to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After carefully reviewing the matter, the Court is in agreement with Magistrate Judge Guyton's recommendations, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 25]. Plaintiffs' Expedited Motion for Conditional Class Certification and Court-Authorized Notice [Doc. 3] is hereby **GRANTED IN PART** and **DENIED IN PART**, in accordance with the recommendations of the R&R. Accordingly, it is **ORDERED** that: (1) this action is conditionally certified as a class action according to the terms of the parties' agreement [Doc. 18 pp. 2–3]; (2) defendants shall provide plaintiffs' counsel with the e-mail addresses of potential opt-in class members, if on file; (3) the agreed-upon notice and consent forms shall be sent to potential opt-in class members by first-class mail and email; and (4) the notice emails must blind-copy defense counsel and contain the agreed-upon forms in the PDF format.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE